

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MORGAN HUNT and JUSTIN HUNT,)	
Individually and as parents and next)	
friend of P.H., and E.H., minors,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-23-223-G
)	
OKLAHOMA DEPARTMENT OF)	
HUMAN SERVICES et al.,)	
)	
Defendants.)	

ORDER

On March 10, 2023, Plaintiffs Morgan Hunt and Justin Hunt filed this civil action, bringing state-law negligence and federal civil rights claims against four defendants. *See* Compl. (Doc. No. 1). Now before the Court are Motions to Dismiss filed by Defendants Oklahoma Department of Human Services (Doc. No. 11), Justin Brown, in his official capacity as Director of the Oklahoma Department of Human Services (Doc. No. 10), and Dacia Mooter and Lauren Exinia, individually and in their official capacities (Doc. No. 16).

Defendants seek dismissal of Plaintiffs' claims pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiffs have filed a Response (Doc. No. 17) to the Motions, and Defendant Brown has filed a Reply (Doc. No. 18). In the Response, Plaintiffs appear to concede that dismissal of the claims as currently pleaded is warranted. They seek leave to amend their pleading and clarify the federal civil rights claims, however. *See* Pl.'s Resp. at 1-5.

Pursuant to Federal Rule of Civil Procedure 15(a)(1), Plaintiffs could have amended the Complaint as of right after being served with the Motions to Dismiss. Further, Rule 15(a)(2) prescribes that the Court “should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). Under this Rule, courts enjoy “wide discretion” to permit amendment “in the interest of a just, fair or early resolution of litigation.” *Bylin v. Billings*, 568 F.3d 1224, 1229 (10th Cir. 2009) (internal quotation marks omitted). Accordingly, the Court will permit Plaintiffs to seek leave to file an amended complaint. *See id.*

CONCLUSION

Accordingly, Defendants’ Motions to Dismiss (Doc. Nos. 10, 11, 16) are GRANTED. The Complaint (Doc. No. 1) is DISMISSED WITHOUT PREJUDICE.

Plaintiffs’ request to seek to remedy the pleading’s deficiencies through amendment is GRANTED to the following extent: Plaintiffs may file a motion for leave to amend, in conformance with Federal Rule of Civil Procedure 15(a)(2) and Local Civil Rule 15.1, within ten (10) days of the date of this Order. If Plaintiffs fail to move to amend within the time prescribed, judgment will be entered in this matter.

IT IS SO ORDERED this 27th day of March, 2024.


CHARLES B. GOODWIN
United States District Judge